

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,
DALLAS DIVISION**

MARGIE ALLEN,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
MICHAEL J. SCOTT, P.C.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, MARGIE ALLEN (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, MICHAEL J. SCOTT, P.C. (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Dallas, Dallas County, Texas 75371.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Carrollton, Texas.

FACTUAL ALLEGATIONS

10. Defendant communicates with Plaintiff seeking and demanding payment for an alleged debt (File Number: 228445).
11. On April 20, 2010, Plaintiff faxed Defendant a cease and desist letter.
12. On April 20, 2010, Plaintiff faxed Defendant a notice of representation letter.
13. Despite receiving Plaintiff's letter, Defendant communicated with Plaintiff after April 20, 2010, in an attempt to collect a debt.
14. Defendant threatened to take legal action against Plaintiff even though Defendant has not and does not intend to take such action (see letter attached hereto as Exhibit A).

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.
 - b. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.

- c. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- d. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- e. Defendant violated §1692e(5) of the FDCPA by threatening to take legal action against Plaintiff even though Defendant has not and does not intend to do so.

WHEREFORE, Plaintiff, MARGIE ALLEN, respectfully requests judgment be entered against Defendant, MICHAEL J. SCOTT, P.C., for the following:

- 16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, MARGIE ALLEN, demands a jury trial in this case.

Dated: June 14, 2010

RESPECTFULLY SUBMITTED,

By: /s/ Michael S. Agruss
Michael S. Agruss
KROHN & MOSS, LTD.
10474 Santa Monica Blvd., Suite 401
Los Angeles, CA 90025
Tel: 323-988-2400 x235
Fax: 866-620-2956
magruss@consumerlawcenter.com
Attorneys for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, MARGIE ALLEN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MARGIE ALLEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6-15-2010

Date

Margie Allen

MARGIE ALLEN

Exhibit A

MICHAEL J. SCOTT, PC

Ph: (972) 428-3550
 Toll Free: (866) 298-3155
helpdesk@scott-pc.com

ATTORNEYS AT LAW
 1120 Metrocrest Dr., Suite 100
 Carrollton, Texas 75006-5862
 April 21, 2010

Hours of Operation (CST)
 Monday-Friday: 8:00AM-8:00PM
 Saturday: 10:00AM-2:00PM

Re: Unpaid Account Owed to: [REDACTED]
 Original Creditor: [REDACTED]
 Original Account Number: [REDACTED]
 Total Amount Now Due: [REDACTED]
 Our File Number: 228445

Dear Ms. Allen,

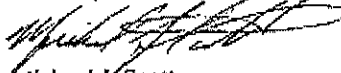
This law firm represents [REDACTED] in connection with the above-stated claim (the "Account"). [REDACTED] is the owner and holder of the Account and as of the writing of this letter, the amount owed on the Account is [REDACTED].

Unless we receive payment of [REDACTED] within 35 days from your receipt of this letter, we have been instructed to pursue collection of the Account through any legal recourse we deem appropriate. We hope to avoid this.

If you cannot pay the full amount, you will need to call our office to make suitable payment arrangements. If we do not hear from you in the next 35 days, we will assume that the debt is valid and that you do not intend on paying it. In such an event, we will begin taking steps to enforce our client's interest, including the possible filing of a lawsuit against you.


Please call us at your earliest opportunity so that we can resolve this matter. Our number is (866) 298-3155.

Sincerely,


 Michael J. Scott
 Attorney

* This law firm is a debt collector and this is an attempt to collect a debt. Any information obtained from you will be used by this law firm for that purpose. Unless you dispute the validity of the debt, or any portion thereof, within thirty days after you receive this letter, we will assume that the debt is valid. If, within this thirty-day period, you notify our law firm in writing that you dispute the debt, or any portion of the debt, we will obtain a verification of the debt from our client and a copy of such verification will be mailed to you by the firm. Within 30 days of your receipt of this letter, you may send to us a written request that we provide to you the name and address of the original creditor, if different from the current creditor, and we will do so. CCSMJSP01DL-01-001

* * * Please Detach the Lower Portion and Return with your Payment in the Enclosed Envelope * * *


 PO Box 115220
 Carrollton TX 75011-5220

ADDRESS SERVICE REQUESTED

Our File No.: 228445
 Orig. Creditor: [REDACTED]
 Orig. Acct No.: [REDACTED]
 Total Amt. Due: [REDACTED]

April 21, 2010

228445-DL-01-001 323655847


 Margie D. Allen

Please make your check payable to:

[REDACTED]
 Michael J. Scott, PC
 Attorneys at Law
 PO Box 113297
 Carrollton TX 75011-3297

